

City of Killeen
Regular City Council Meeting
Killeen City Hall
November 25, 2014 at 5:00 p.m.

Presiding: Mayor Scott Cospers

Attending: Mayor Pro-Tem Elizabeth Blackstone, Council members Terry Clark, Juan Rivera, Jonathan Okray, and Jose Segarra

Absent: Steve Harris, Wayne Gilmore

Also attending were City Manager Glenn Morrison, City Attorney Kathryn Davis, City Secretary Dianna Barker, and Sergeant-at-Arms R. Clayton.

Chaplin Rosario gave the invocation, and Councilmember Okray led everyone in the pledge of allegiance.

Approval of Agenda

Motion was made by Mayor Pro-Tem Blackstone to approve the agenda as written. Motion seconded by Councilmember Rivera. The motion carried unanimously.

Consent Agenda

CA-14-154 Consider minutes of Regular City Council meeting of November 18, 2014.
No changes.

CA-14-155 Consider a memorandum/resolution rescheduling the City Council meeting of December 23, 2014.
Staff comments: Glenn Morrison
Due to the fourth Tuesday of December falling during the week of Christmas, staff recommends holding the second City Council meeting on December 16th.

CA-14-156 Consider a memorandum/resolution authorizing the award of a professional services contract to Wiginton Hooker and Jeffry for architectural and engineering services for the construction of the new Killeen Fire Station 9.
Staff comments: Chief Hawthorn
Chief Hawthorn gave brief history of events leading up to this stage in the project. The contract with Wiginton Hooker and Jeffry has been renegotiated.
Staff recommends that the City Manager be authorized to enter into an agreement with Wiginton Hooker and Jeffry for architectural and engineering services of Fire Station 9 in an amount not to exceed \$420,000 and that the City Manager be authorized to execute any and all change orders to the contract within the amounts set by state and local law, as well as retire the previous agreement passed on February 13, 2007.

Motion was made by Mayor Pro-Tem Blackstone to approve Consent Agenda items 154 through 156, as presented. Motion was seconded by Councilmember Rivera. Motion carried unanimously.

Public Hearings / Ordinances

PH-14-068A HOLD a public hearing and consider an ordinance to amend the Comprehensive Plan's Future Land Use Map (FLUM) from 'Suburban Residential' to 'Suburban Commercial' (FLUM# Z14-31) for approximately 6.07 acres out of the James D. Alcorn Survey, Abstract No. 25. The property is locally known as 7432 East Trimmier Road, Killeen, Texas.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN'S FUTURE LAND USE MAP FROM 'SUBURBAN RESIDENTIAL' TO 'SUBURBAN COMMERCIAL' FOR 6.07 ACRES OF LAND LOCATED ALONG THE WEST RIGHT-OF-WAY OF EAST TRIMMIER ROAD, APPROXIMATELY 3,000 FEET SOUTH OF STAGECOACH ROAD, KILLEEN, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Staff comments: Tony McIlwain

The property owner is contemplating the use of 4.37 acres of the tract for a church. The Planning and Zoning Commission recommended approval of amending the FLUM from 'Suburban Residential' to 'Suburban Commercial' for this area by a vote of 5 to 2. An amendment to the FLUM for this property will be consistent with the projected residential growth anticipated for this area and will allow supporting commercial retail uses necessary for the residents.

Mayor Cosper opened the public hearing.

Jim Wright, 3800 S. WS Young – representative for the seller and buyer of the property. At the P&Z meeting there were several objections to the request but now that citizens know what they want to do with the property they are not as objectionable. Spoke in favor of the request.

Marcia Ovalle-Epps, 511 Encino Oak Way – spoke in favor of the request. She and her neighbors are happy a church is coming to the neighborhood.

With no one else appearing the public hearing was closed.

Motion was made by Councilmember Rivera to approve PH-068A. Motion was seconded by Councilmember Segarra. Motion carried 4 to 1 with Councilmember Okray in opposition.

PH-14-068B HOLD a public hearing and consider an ordinance requested by Clement P. and Frankie L. McClurkan (Case #Z14-31) to rezone 4.37 acres from "AR-1" (Agricultural Single-Family Residential District) to "B-3" (Local Business District), being part of the James D. Alcorn Survey, Abstract No. 25. The

property is addressed as 7432 East Trimmier Road, Killeen, Texas. (Requires 3/4 Majority Vote for Approval)

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM AR-1 (AGRICULTURAL SINGLE FAMILY RESIDENTIAL DISTRICT) TO B-3 (LOCAL BUSINESS DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff comments: Tony McIlwain

The requested zoning is not for the entire 6.07 acres; only 4.37 acres.

Staff notified 22 surrounding property owners within the 200' notification area. Staff has included protests from numerous individuals who are opposed to the "B-3" zoning request. The protests amount to 36% of the owners of the area of those lots within two hundred (200) feet on the subject site; this will require a favorable vote of three-fourths (3/4) of all the members of the City Council.

The Planning and Zoning Commission recommended approval of Neighborhood Business District ("NBD") for the subject 4.37 acres by a vote of 7 to 0. The applicant is amenable to the "NBD" recommendation.

Mayor Cosper opened the public hearing.

Jim Wright, 3800 S. WS Young – spoke in favor of the request. As the representative of the property and due to not having the full Council in attendance, Mr. Wright requested a postponement of this request to the December 9th Council meeting.

Marcia Ovalle-Epps, 5511 Encino Oak Way – spoke in favor of Neighborhood Business District.

Tracy Gallaway, 5204 Weeping Oak – spoke in favor of request.

Anthony Joseph Notella, N. 2nd St – spoke in favor of request.

Cecil Adams, 904 Cliffside Dr, HH – spoke in favor of request.

With no one else appearing the public hearing was closed.

Motion was made by Mayor Pro-Tem Blackstone to postpone until the December 9th meeting.

Motion was seconded by Councilmember Rivera. Motion carried 4 to 1, with Councilmember Okray in opposition.

Ordinances / Resolutions

OR-14-039 Consider an ordinance amending Chapter 6, Animal Ordinance.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN, TEXAS, TO CHANGE THE NAME OF THE UNIT FROM ANIMAL CONTROL TO ANIMAL SERVICES, TO REQUIRE REMOVAL FROM THE CITY LIMITS ALL DANGEROUS DOGS; TO CREATE A NEW CATEGORY OF AGGRESSIVE ANIMALS; TO CREATE A NEW CHARGE OF AGGRAVATED AT-LARGE; TO

**REQUIRE SPAY/NEUTER AND MICROCHIPING OF ALL DOGS AND CATS;
PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE;
REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS
ORDINANCE; AND ESTABLISHING AN EFFECTIVE DATE.**

Staff comments: Jerris Mapes

Ms. Mapes went over the recommended changes to the code.

The Animal Advisory Board reviewed and made recommendations of amendments to the Animal Ordinance to provide for the removal from the city limits of all animals deemed dangerous, provide for the spay/neuter and micro chipping of all dogs and cats, to create a new category of aggressive animals, and to create an offense of aggravated at-large. The Animal Advisory Board and staff recommend the approval of the amendments to the City Code of Ordinance, Chapter 6, Animals.

Citizen comments: James Raceton, 408 Yates Rd. – spoke in favor of the proposed amendments.

Mr. Raceton does not think the city can enforce the requirement of spay/neuter.

George Fox, 1906 Hooten St. – feels city has a responsibility to do something about animals in the city. Spoke in favor of amendments.

Natalie Pittman, 1704 Kangaroo Ave – has issues with two items in the ordinance, mandatory spay/neuter and acquiring appropriate documents for an exemption. Ms. Pittman feels the ordinance is not accommodating for show dogs and has an issue with the section stating any public employee bitten by a dog is the dogs fault. Ms. Pittman asked the council to reconsider and not adopt the ordinance as amended.

Motion was made by Mayor Pro Tem Blackstone to approve OR-039 directing staff to reconsidering the language for show dogs. Motion was seconded by Councilmember Okray. Motion carried 4 to 1, with Councilmember Rivera in opposition.

Adjournment

With no further business, upon motion being made by Councilmember Okray, seconded by Mayor Pro-Tem Blackstone, and unanimously approved, the meeting was adjourned at 6:15 p.m.

Scott Cosper, Mayor

Dianna Barker, City Secretary